

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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BARRY E. COLLINS,

Plaintiff,

v.

Case No. 04-C-0684

BUECHEL STONE CORP.,

Defendant.

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**ORDER**

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Defendant Buechel Stone Corporation has moved for clarification of the court's Order of July 1, 2005, which denied its motion for summary judgment, without prejudice. The court denied defendant's motion for summary judgment because it did not comply with Civil L.R. 56.2(a). Defendant points out, however, that the court's Scheduling Order of December 23, 2004, exempted the parties from Civil L.R. 56.2(a) and (b) when one of the litigants was *pro se*.

Defendant is correct. The court's scheduling order is based on the January 31, 2001 version of the Local Rules. Civil L.R. 56.2 was revised in 2003, and the exception for cases involving *pro se* litigants was removed. Unfortunately, old forms linger on beyond their time. But thanks to defendant, the courts scheduling order will be revised to reflect the change in the local rules.

In the meantime, the court will vacate its Order of July 1, 2005. Defendant's motion for summary judgment, filed on June 28, 2005, shall be considered by the court. Plaintiff shall respond to defendant's motion for summary judgment within thirty days of this order. As defendant has not

filed proposed findings of fact pursuant to Civil L.R. 56.2(a), no response to such findings pursuant to Civil L.R. 56.2(b) shall be required from plaintiff.

**SO ORDERED.**

Dated this 7th day of July, 2005.

s/ William C. Griesbach

William C. Griesbach  
United States District Judge